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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,517	10/31/2000	Timothy A. McDonough	14917.0971USII/150635.01	7863
27488 7590 07/09/2009 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER ABDULSELAM, ABBAS I	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 07/09/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* TIMOTHY A. MCDONOUGH, CARL J. LEDBETTER,  
ROBERT SCOTT PLANK, STEVEN W. FISHER,  
STEVEN T. KANEKO, and STEVEN BATHICHE

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Appeal 2008-003895  
Application 09/699,517  
Technology Center 2600

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Mailed: July 9, 2009

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Before DALE M. SHAW, *Chief Appeals Administrator*.  
SHAW, *Chief Appeals Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 6, 2008. A Docketing Notice was mailed and Appeal No. 2008-003895 was assigned on June 9, 2008. A review of the application has revealed that the application was not ready for an appeal.

Accordingly, the application is herewith being remanded to the Examiner.  
The matter requiring attention is identified below.

REPLY BRIEF

Appellants filed a Reply Brief dated July 18, 2008. There is no indication on the record that the Examiner has considered the above Reply Brief.

It is noted that this Reply Brief was filed after the Appeal Docketing Notice, of June 9, 2008, and was within two months after the Examiner's Miscellaneous Communication to Applicant, which corrected the Evidence Relied Upon of the Examiner's Answer mailed March 18, 2008. However, this Reply Brief was filed more than two months after the Examiner's Answer of March 18, 2008. Therefore, the Examiner must determine if the Reply Brief filed July 18, 2008 is timely filed.

Accordingly, it is ORDERED that the application is remanded to the Examiner to

1) consider if the Reply Brief filed July 18, 2008, is timely filed, then either:

- a) enter the Reply Brief, or
  - b) not enter the Reply Brief;
- 2) notify appellant of said determination, and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Appeal 2008-003895  
Application 09/699,517

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